

FILED
DISTRICT COURT OF GUAM

MAY 17 2016 *HPH*

JEANNE G. QUINATA
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF GUAM
_____ DIVISION

*(Write the District and Division, if any, of
the court in which the complaint is filed.)*

Michael P. Hunt

*(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)*

-against-

Guam police Department and Fred Bordallo

*(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names. Do not include
addresses here.)*

**Complaint for Violation of Civil
Rights**

(Non-Prisoner Complaint)

Case No. 16-00043
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
HPH (check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

ORIGINAL

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Michael P. Hunt</u>
Street Address	<u>176 Flores Rosa</u>
City and County	<u>Yona</u>
State and Zip Code	<u>Guam 96915</u>
Telephone Number	671-777-7387
E-mail Address	mph39@guam.net

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Government of Guam, Guam Police
Job or Title	Chief of Police
Street Address	Building 233 Central Ave
City and County	Tiyan,
State and Zip Code	Guam 96915
Telephone Number	671 475 8473,
E-mail Address	(if known)
<input type="checkbox"/> Individual capacity	<input checked="" type="checkbox"/> Official capacity

Defendant No. 2

Name	Fred Bordallo
Job or Title	Chief of Police (retired)
Street Address	Bishop Olano Street
City and County	Santa Rita

State and Zip Code 96915

Telephone Number _____

E-mail Address _____

(if known)

☒ Individual capacity

☒ Official capacity

Defendant No. 3

Name _____

Job or Title _____

(if known)

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

(if known)

☐ Individual capacity

☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Age Discrimination in Employment Act and Equal Employment Opportunity Act.

- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Employment

- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Guam Police Department allowing the Chief of Police act and perform in a discriminatory manner toward employees. Fred Bordallo act and treating employees in discriminatory manner.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Tiyan, Guam 96913 Guam Police Department

- B. What date and approximate time did the events giving rise to your claim(s) occur?

May 25, 2012

- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

On or about October 2010 I was hired by the Government of Guam – Guam Police Department (GPD) as Program coordinator for Boating Safety (PC-IV) this was a classified position, with a commence date March 24 2011.

At the time of my hiring I was told that I would be paid approximately \$61,000 per annum. After I commenced work, payroll documents indicated my pay would be \$32,000.

I spoke with the Chief of Operations for Marine Patrol, Captain Maurice Sayama regarding the pay discrepancy and together we met with the Chief of Police Fred Bordallo who directed, "get it fixed" we spoke with GPD Human Resource manager and they submitted a step advancement request only find that the paper work was not submitted in the proper time frame. My supervisor Captain Charfauros and the Chief of Police said I should resign my classified position and take an unclassified position and be rehired into the classified position at the higher pay rate. When time came for my rehire and after performing outstanding in the PC-IV position for over one year, the position was given to younger female Chamorro. (Local) I then I received a termination letter erroneously stating I was terminated for lack of funds. I believe that the Government of Guam and the Guam Police Department are engaged in a pattern of discrimination based upon multiple violations of my civil rights including but not limited to those protected by federal and local laws such as the Age Discrimination in Employment Act and Equal Employment Opportunity Act.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Financial hardship, Marital discontent, and parental alienation do to the stress, lost retirement benefits from Government of Guam, paid annual leave, and sick leave.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Loss wages \$34,875.00

Under employment with loss wages of \$14,000.

Credit card debt while unemployed \$35,000.

Tax and penalties incurred for early withdraw of 401K savings. \$1,400.

Sell off stock shares at a loss approximately \$8,000.

Court filing fee \$400.

Total of out of pocket losses \$93,400.

\$400,000 punitive damages

Attorney fees \$100,000

VI. Certification and Closing

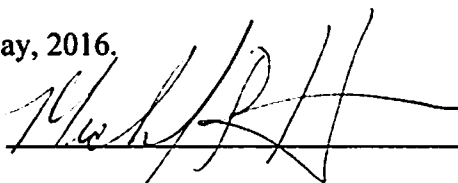
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 17 May, 2016.

Signature of Plaintiff:



Printed Name of Plaintiff : Michael P. Hunt

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

Telephone Number _____

E-mail Address _____



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Honolulu Local Office

FEB 17 2016

300 Ala Moana Boulevard, Room 7-127
P. O. Box 50082
Honolulu, HI 96850-0051
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Honolulu Status Line: (866) 408-8075
Honolulu Direct Dial: (808) 541-3118
TTY (808) 541-3131
FAX (808) 541-3390

Mr. Michael Hunt
EEO Charge No. 480-012-02893

While Title VII and the Americans with Disabilities Act require you to obtain a right to sue Notice before you can bring a lawsuit, you may sue under the Age Discrimination in Employment Act (ADEA) any time 60 days after your charge was filed until 90 days after you receive Notice that the Equal Employment Opportunity Commission (EEOC) has completed action on your charge.

Because the EEOC is closing your case upon issuance of the attached Notice of Right to Sue, your lawsuit under the ADEA must also be brought within 90 days of your receipt of this Notice. Otherwise, your right to sue under the ADEA is lost.

If you have any questions as to your right to sue, please call this office or consult a private attorney.



U.S. Department of Justice
Civil Rights Division
NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

CERTIFIED MAIL

9590 9401 0174 5234 6729 27

950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHB, Room 4239
Washington, DC 20530

February 17, 2016

Mr. Michael Hunt
c/o Gary W.F. Gumataotao, Esquire
Law Offices of Gumataotao & Pole
Suite 301, San Ramon Bldg.
115 San Ramon St.
Hagatna, GU 96910

Re: EEOC Charge Against Government of Guam, Guam Police Dept., et al.
No. 480201202893

Dear Mr. Hunt:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

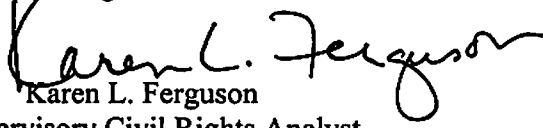
If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Honolulu Local Office, Honolulu, HI.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Vanita Gupta
Principal Deputy Assistant Attorney General
Civil Rights Division

by 
Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Honolulu Local Office, EEOC
Government of Guam, Guam Police Dept., et al.